

REMARKS

Applicants respectfully request further examination and reconsideration in view of the amendments above and the arguments set forth fully below. Claims 1-4 and 6-24 were previously pending in this application. Claims 1-4 and 6-24 are rejected. By the above amendments, Claims 1 and 6 are amended. Accordingly, Claims 1-4 and 6-24 are currently pending in this application.

Rejections Under 35 U.S.C. § 102

Within the Office Action, Claims 1-4 and 6-24 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,493,438 issued to Gross et al. (hereinafter "Gross"). The Applicants respectfully traverse this rejection.

Gross teaches a telecommunications system in which consolidated billing is provided to a subscriber for multiple communications services that are provided by a platform. A caller 134 dials a telephone number associated with the subscriber. The call is directed through the LEC switch 136 to the IEC Switch 140, where a call detail record (CDR) is created to bill the caller for the access portion of the call to a platform 10. The call is eventually routed to the subscriber's home 148 via IEC switch 144 and LEC switch 146. The LEC switch 146 translates the originally dialed telephone number to a second telephone number that is unique to the subscriber, where the second telephone number is used to forward the call to the platform 10. A data access point (DAP) 154 receives a query requesting a translation of the second telephone number to a physical network address for the platform 10. Using the physical network address, the call is directed to the platform 10 via IEC switch 150 and IEC bridging switch 158. The platform 10 receives the call and services the call according to the services offered. One such service is to redirect the call to the subscriber's alternative destination 178.

Billing for the call associated with the first telephone number, that is billing of the call from the caller 134 to the subscriber's home 148, is performed by the IEC switch 144. The portion of the call from the subscriber's home 148 to the platform 10 is not billed. The call that is extended from the platform 10 to the subscriber's alternate destination 178 is billed to the subscriber's platform account. Any additional services performed by the platform 10 are also billed to the subscriber's platform account.

In contrast to the teachings of Gross, the billing system of the present invention provides a switch, a control point and a service where the control point is configured to receive a signal from the service and in response thereto activate a triggering event to store billing information in the switch. Specifically, a signal control point is configured to send and receive control signals over an Intelligent Network to trigger a switch associated with a predetermined telephone line. The signal control point triggers the switch in response to receiving call particulars associated with a current call. Once triggered, the switch stores billing information associated with the call being made by a calling party through the service. The signal control point also enables the transfer of the call from the service to a called party thus connecting the calling party to the called party. Gross does not teach a switch coupled to a predetermined telephone line where the switch stores billing information related to a call made between a calling party and a called party.

Within the Office Action, a comparison is made between the telecommunications system of Gross and the billing system of the present invention. In particular, it is stated that the service and the control point of the present invention are analogous to the platform 10 and the DAP 154, respectively, of Gross. The Applicants respectfully disagree with this conclusion. If the above comparison is to hold, which the Applicant does not believe is the case, then the claimed switch of the present invention must be analogous to the IEC Switch 144 of Gross. However, within the present invention, the switch is configured to store billing information where the billing information relates to an outgoing call initiated by the service to a called party. In contrast, the IEC Switch 144 does not store billing information related to either the incoming call or the outgoing call. Gross teaches that the billing information for the incoming call is stored in the IEC Switch 140 (Gross, col. 6, lines 3-5) and the billing information for the outgoing call is billed, and therefore eventually stored, in the subscriber's platform account (Gross, col. 7, lines 41-43), which is maintained on the platform 10. Therefore, Gross teaches that the platform 10 (service) stores the outgoing call billing information. Gross does not teach that the IEC Switch 144 (switch) stores the outgoing call billing information.

The independent Claim 1 teaches a billing system for automatically charging a call to a predetermined telephone line. The billing system includes a service configured to receive an incoming call from a calling party and to initiate an outgoing call to a called party, a switch coupled to the predetermined telephone line configured to store billing information in response to a triggering event, and a control point coupled to the service, the calling party, and the switch

wherein the control point is configured to activate the triggering event in response to receiving an appropriate signal from the service and to transfer the incoming call from the service to the called party such that the calling party and the called party are connected, wherein the billing information corresponding to the outgoing call is stored in the switch and the stored billing information is used to charge the predetermined telephone line. As discussed above, Gross teaches storing billing information at the service. Gross does not teach storing billing information in the switch coupled to the predetermined telephone line. For at least these reasons, the Applicants respectfully submit that the subject matter of the independent Claim 1 is allowable over the teachings of Gross and as such is an allowable base claim.

Claims 2-4 and 18-22 are each dependent upon the independent Claim 1. As discussed above, Claim 1 is allowable over the teachings of Gross. Accordingly, Claims 2-4 and 18-22 are each also allowable as being dependent upon an allowable base claim.

The amended independent Claim 6 teaches a method of billing a call to a predetermined telephone line wherein a user initiates the call from a calling party to a called party through a service. The method includes conveying data from the service to a control point, wherein the data indicates the called party and the calling party, temporarily routing the call to a switch associated with the predetermined telephone line, forming a new call originating from the calling party and terminating at the called party, storing billing information related to the new call in the switch associated with the predetermined telephone line in response to a signal initiated by the service, and automatically billing the new call to the predetermined telephone line using the stored billing information. As discussed above, Gross teaches storing billing information at the service. Gross does not teach storing billing information in the switch coupled to the predetermined telephone line. For at least these reasons, the Applicants respectfully submit that the subject matter of the independent Claim 6 is allowable over the teachings of Gross and as such is an allowable base claim.

Claims 7-12 are each dependent upon the independent Claim 6. As discussed above, Claim 6 is allowable over the teachings of Gross. Accordingly, Claims 7-12 are each also allowable as being dependent upon an allowable base claim.

The independent Claim 13 teaches a method of billing a call to a predetermined telephone line wherein a user initiates the call through a service from a calling party to a called party. The method includes conveying call data from the service to a control point wherein the control point

is coupled to the calling party, the predetermined telephone line, and the called party, terminating the call to the service, forming a new call to link the calling party to the called party, storing billing information related to the new call on a switch associated with the predetermined telephone line in response to a signal initiated by the service, and automatically billing the new call to the predetermined telephone line using the stored billing information. As discussed above, Gross teaches storing billing information at the service. Gross does not teach storing billing information in the switch coupled to the predetermined telephone line. For at least these reasons, the Applicants respectfully submit that the subject matter of the independent Claim 13 is allowable over the teachings of Gross and as such is an allowable base claim.

Claims 14-17 and 23-24 are each dependent upon the independent Claim 13. As discussed above, Claim 13 is allowable over the teachings of Gross. Accordingly, Claims 14-17 and 23-24 are each also allowable as being dependent upon an allowable base claim.

For at least the reasons given above, Applicants respectfully submit that all of the claims are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 1-29-04

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CERTIFICATE OF MAILING (37 CFR § 1.8(a))

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HAVERSTOCK & OWENS LLP.
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